



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Department of Labor and Industries

- ☒ Permanent Rule
☐ Emergency Rule
☐ Expedited Rule Making

(1) Date of adoption: May 15, 2003

(2) Purpose: **Worker Wage Calculation, chapter 296-14 WAC**

The purpose of the rules is to provide the methods and factors used in calculating the monthly wage of injured workers and crime victims under RCW 51.08.178. These rules interpret and implement the Supreme Court's decision in *Cockle v. Dep't of Labor & Indus.*, 142 Wn.2d 801 (2001).

(3) Citation of existing rules affected by this order:

Repealed: None
Amended: None
Suspended: None

(4) Statutory authority for adoption: RCW 51.04.010, RCW 51.04.020

Other Authority: *Cockle v. Dep't of Labor & Indus.*, 142 Wn.2d 801 (2001) (directs that the amount of employer contributions for "core, non-fringe benefits critical to protecting the basic health and survival of workers" must be included in the worker's monthly wages under Title 51 RCW).

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 02-22-028 on November 28, 2002.

Describe any changes other than editing from proposed to adopted version: The department made a format change in the numbering of WAC 296-14-526. This change was made for clarity purposes. The meaning itself, however, remains the same.

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☐ (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

☐ Yes ☒ No If Yes, explain:

(6) Effective date of rule:

Permanent Rules

- ☒ 31 days after filing
☐ Other (specify)

Emergency Rules

- ☐ Immediately
☐ Later (specify) _____

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)

Paul Trause

Signature

Title

Director

Date

May 15, 2003

CODE REVISER USE ONLY

WSR # 03-11-035

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	<u>6</u>	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	<u>6</u>	Amended	_____	Repealed	_____